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# Judiciary Committee

**Wednesday, November 9, 2005  
9:45 A.M. – 11:45 A.M.  
Morris Hall  
(17 HOB)**

# Committee Action

**Allan G. Bense  
Speaker**

**David Simmons  
Chair**

# COMMITTEE MEETING REPORT

## Judiciary Committee

11/9/2005 9:45:00AM

**Location:** Morris Hall (17 HOB)

### Attendance:

	Present	Absent	Excused
David Simmons (Chair)	X		
Kevin Ambler	X		
Dennis Baxley	X		
Frederick Brummer	X		
Anitere Flores	X		
Dan Gelber	X		
Michael Grant	X		
Jeffrey Kottkamp			X
Sheri McInvale	X		
Joe Pickens			X
Juan-Carlos Planas	X		
Curtis Richardson	X		
Dennis Ross	X		
John Seiler	X		
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>2</b>

Committee meeting was reported out: Wednesday, November 09, 2005 12:19:33PM

# **COMMITTEE MEETING REPORT**

**Judiciary Committee**

**11/9/2005 9:45:00AM**

**Location:** Morris Hall (17 HOB)

**Other Business Appearance:**

Appropriate scope of the Florida Constitution

Wade Hopping (Lobbyist) - Information Only

Hopping, Green and Sams

710 N. Ridge Road

Tallahassee FL

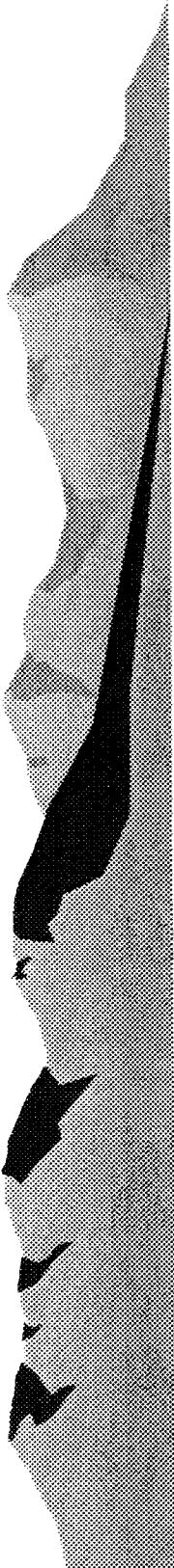
Phone: 222-7500

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# **PRESERVATION ON STATE CONSTITUTIONS**

**November 9, 2005**

**Part I**



STUDENT: I cannot find the  
French Constitution.

**LIBRARIAN:** Did you look under  
periodicals?

-- Old Political Science Joke

**CONSTITUTION** - The fundamental law of the state, containing the principles upon which the government is founded, and regulating the divisions of the sovereign powers, directing to what persons each of these powers is to be confided, and the manner it is to be exercised.

Bouvier Law Dictionary - Revised Sixth Edition, 1856

**CONSTITUTION** - The fundamental and organic law of a nation or state that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and civil liberties.

Black's Law Dictionary (8th ed. 2004)

# **CONSTITUTION** - noun

The basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it.

Merriam - Webster

SOURCE: Unless otherwise noted  
in these slides, the primary source of  
information for this presentation is -

UNDERSTANDING STATE  
CONSTITUTIONS, G. Alan Tarr  
Princeton University Press, 1998

The United States Constitution is a grant of power to the Federal Government by the States.

State Constitutions are limits on the States' inherent power.

Since 1776, the fifty states have written 145 constitutions. Only 12 states have done so since 1901 – the most recent being Georgia in 1982.

The average state constitution exists for 70 years and is amended about 115 times.

Florida has amended its present constitution 102 times since 1968 (37 years).

The average length of a state constitution is 26,000 words.

The United States Constitution has approximately 7,400 words.

Florida's Constitution has approximately 39,000 words.

The longest state constitution is that of Alabama, which has over 220,000 words.

Alabama also has the most amended state constitution, with over 772 amendments.

Vermont's constitution is the shortest with 8,356 words.

The oldest state constitution (and the oldest constitution in the world) still in effect is that of Massachusetts, which took effect in 1780.

The newest is the Georgia Constitution, which was ratified in 1983.

While Massachusetts has retained a single constitution, Louisiana has had eleven since 1812.

One author has written that “39% of the typical state constitution is devoted to matters that most scholars consider extraneous at best.”

This scholar further stated that 45% of Florida’s Constitution contained such “particularistic” content.

Prof. Christopher W. Hammons, Houston Baptist University  
American Political Science Review, December 1999.

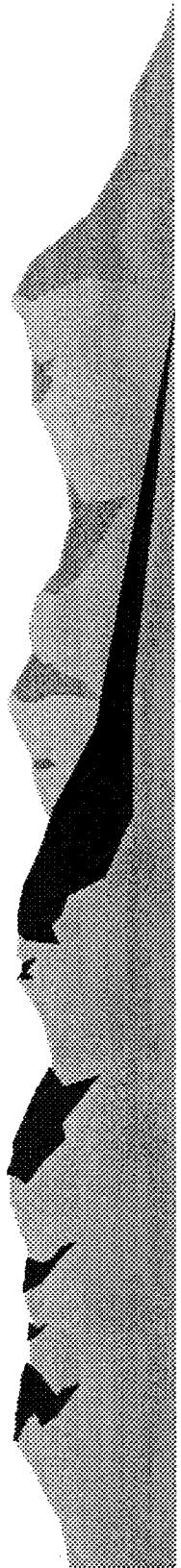
The drafting of state constitutions is a distinctive enterprise, different from the drafting of statutes or other legal documents, and one cannot engage in this process successfully without a thorough understanding of the nature of state constitutions.

G. Alan Tarr – Director of the Center for State Constitutional Studies, Rutgers University

# PRESENTATION ON STATE CONSTITUTIONS

November 9, 2005

Part 2



**FLORIDA'S HISTORY OF PROPOSED  
AMENDMENTS SINCE 1968:**

**136** Proposed

**102** Adopted

**31** Rejected

**3** Removed

# FLORIDA'S HISTORY OF PROPOSED AMENDMENTS SINCE 1968:

## LEGISLATURE

89	Proposed
71	Adopted
16	Rejected
2	Removed

# FLORIDA'S HISTORY OF PROPOSED AMENDMENTS SINCE 1968:

## INITIATIVE

26	Proposed
21	Adopted
5	Rejected
0	Removed

# FLORIDA'S HISTORY OF PROPOSED AMENDMENTS SINCE 1968:

## CONSTITUTIONAL REVISION COMMISSION

17	Proposed
8	Adopted
9	Rejected
0	Removed

# FLORIDA'S HISTORY OF PROPOSED AMENDMENTS SINCE 1968:

## TAXATION & BUDGET REFORM COMMISSION

- |   |          |
|---|----------|
| 4 | Proposed |
| 2 | Adopted  |
| 1 | Rejected |
| 1 | Removed  |

**THERE ARE 50 ACTIVE INITIATIVE  
PETITIONS FOR 2006**

# Florida Constitution – Organization of Articles

ARTICLE I	DECLARATION OF RIGHTS
ARTICLE II	GENERAL PROVISIONS
ARTICLE III	LEGISLATURE
ARTICLE IV	EXECUTIVE
ARTICLE V	JUDICIARY
ARTICLE VI	SUFFRAGE AND ELECTIONS
ARTICLE VII	FINANCE AND TAXATION
ARTICLE VIII	LOCAL GOVERNMENT
ARTICLE IX	EDUCATION
ARTICLE X	MISCELLANEOUS
ARTICLE XI	AMENDMENTS
ARTICLE XII	SCHEDULE

Senate Judiciary Committee Meeting – October 19, 2005.

Sen. Webster – The document we'll start with and the basis for it will be this constitution right here. We're going to look at every change that has been made. We're going to take the principles that we have already passed out of the Senate of what a constitution should have and the filter that we thought the State Supreme Court should have in their hand in order to make these judgments and we are going to weigh these amendment based on that. In the end, whatever document we have was probably at some time our constitution between when it was created and now. Because in my mind, all we would be doing is removing things that did not meet the criteria that we're talking about. So, we are not rewriting the constitution, we're only removing things that probably don't belong there.

My other thought would be to take those items, whatever they may be, if there are any, that don't belong there, and in the same way that we would put to the public this constitution, also, their vote would make those provisions statute instead of constitutional. So, in the end, will any policy change? No. Not one bit. Maybe the level of where that policy is found might change, if we do come up with something that we would like to move, but that's all.

[Sen. Geller asks about process]

Sen. Webster - The filter that we will be using and discussing, and certainly how this committee will use that filter, will probably differ. And so, we will look at the filter, each of us will ask ourselves - should this be in the Constitution or should it be in a statute book. And however this committee votes on each of those items, that's what we will come up with. The possibility of what we vote out, if we were able to vote out a new document, it would look like a constitution sometime in the past that we had before today.

I think we at least ought to try to get a pure document before the voters and let them choose. They may want this kind of thing in the constitution. If they do, there is not a whole lot we can do about it. But I do feel at least somewhat obligated within myself to try. And that is what I am going to do.

[Sen. Campbell asks about passing a statutory initiative at the same time]

Sen. Webster - The filter that Sen. Smith sponsored, I agree with. I think its good. It lays out in a concise way basically what a constitution should contain. And if we could take those same principles and use them here and go backwards great, and maybe for the future, we can get his issue on the ballot and have the people choose that in the future that's what they would like to see and allow the Supreme Court the ability to strike those things that don't meet that criteria – other than just a single subject .

# **COMMITTEE MEETING REPORT**

**Judiciary Committee**

**11/9/2005 9:45:00AM**

**Location:** Morris Hall (17 HOB)

**Summary:** No Bills Considered

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**Leagis ®**